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Act of the Governor
General of India
in council 1846

Year: 1846

Sub: Law and
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Act of the Governor
General of India

Place: India

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ACT No. I. OF 1846.

Passed by the Hon'ble the President of the Council of India in Council on the 7th January 1846, *with the assent of the Right Hon'ble the Governor General of India.*

An Act for amending the Law regarding the appointment and remuneration of Pleaders in the Courts of the East India Company.

I IT is hereby enacted, that Section 15, Regulation XXIII 1814, Clause Seventh, Section 2, Clause Eleventh, Section 3, Clause Fourth, Section 8, Regulation XXVI 1814, Clause Third, Section 3, Section 7, Clause First, Section 15, Sections 23, 24, 28, 29, 32, 33, 34, 35, Clause First, Section 39, Regulation XXVII 1814, Clause Second, Section 10, Regulation XXVIII 1814, Section 9, Regulation XIX. 1817, Section 6, Regulation XI. 1826, Section 30, Regulation V. 1831, Section 7, Regulation IX. 1831, Section 11, Regulation VII. 1832, Regulation XII. 1833 of the Bengal Code, and Act No XIII. of 1838, be repealed

II. And it is hereby enacted, that Clauses Second and Third, Section 14, Regulation VI. 1816, Section 7, Clause First, Section 15, Sections 23, 24, 28, 29, 32, 33, 34, 35, Regulation XIV. 1816, Clause Seventh, Section

Section 4, Clause Eleventh, Section 5, Clause Fourth, Section 8, Regulation XV. 1816, Clause Third, Section 6, Regulation I. 1827, Clause Third, Section 6, Regulation VII. 1827, Section 5, Regulation VI. 1828, Section 4, Regulation IV. 1832 of the Madras Code, be repealed.

III. And it is hereby enacted, that Clause Third, Section 47, Clause Second, Section 48, Section 55, Regulation II. 1827 of the Bombay Code; and so much of Clause First, Section 7, Regulation XXIX. 1827 of the same Code, as empowers the Zillah Judges of the Deccan and Kandeish to examine Pleaders and grant Certificates of qualification to practice in their Courts, be repealed.

IV. And it is hereby enacted, that the Office of Pleader in the Courts of the East India Company shall be open to all persons of whatever nation or religion, provided that no person shall be admitted a Pleader in any of those Courts unless he have obtained a Certificate in such manner as shall be directed by the Sudder Courts that he is of good character and duly qualified for the Office, any Law or Regulation to the contrary notwithstanding.

V. Provided nevertheless, and it is hereby enacted, that every Barrister of any of Her Majesty's Courts of Justice in India, shall be entitled as such to plead in any of the Sudder Courts of the East India Company, subject however to all the Rules in force in the said Sudder Courts applicable to Pleaders whether relating to the language in which the Court is to be addressed or to any other matter.

VI. And it is hereby enacted, that Section 25, Regulation XXVII. 1814, of the Bengal Code, Section 25, Regulation XIV. 1816, of the Madras Code, and Section 52, Regulation II. 1827, of the Bombay Code, shall cease

to

to be enforced, excepting for the purpose specified in Section VII. of this Act.

VII. And it is hereby enacted, that parties employing authorized Pleaders in the said Courts shall be at liberty to settle with them by private agreement the remuneration to be paid for their professional services, and that it shall not be necessary to specify such agreement in the Vakalut-nama; provided that when costs are awarded to a party in any regular Suit, original or appeal, decided on the merits, against another party, the amount to be paid on account of fees of Pleaders, shall be calculated according to the Rules contained in the Sections of Regulations specified in Section VI. of this Act; and that when costs are awarded in other cases the amount to paid on account of such fees shall be one-fourth of what it would have been in a regular Suit decided on its merits.

VIII. And it is hereby enacted, that private agreements between parties and their Pleaders respecting the remuneration to be paid for professional services shall not be enforced otherwise than by a regular Suit.

IX. And it is hereby enacted, that so much of Section 20, Regulation XXVII. 1814, of the Bengal Code, and of Section 20, Regulation XIV. 1816 of the Madras Code, as prescribes the rate of fees to be received by authorized Pleaders for legal opinions, be repealed; and that persons taking such opinions from authorized Pleaders shall be at liberty to settle with them by private agreement the remuneration to be paid for such opinions.

X. And it is hereby enacted, that whenever a Pleader has rendered himself liable to a fine in the Court of a Principal Sudder Ameen or Sudder Ameen, it shall be competent to such Principal Sudder Ameen or Sudder

Ameen

Ameen to impose such fine; provided that an appeal from all orders imposing such fines shall lie to the Zillah or City Judge, whose decision thereon shall be final.

XI. And it is hereby enacted, that the Rules applicable to Pleaders in the Courts of the Zillah and City Judges, shall henceforth be applicable, so far as they are capable of application, to Pleaders in the Moonsiffs' Courts.

XII. And it is hereby enacted, that whenever a Pleader has conducted himself in such a manner in the Court of a Moonsiff as would have rendered him liable to a fine if he had so conducted himself in the Court of a Zillah or City Judge, it shall be competent to such Moonsiff to impose such fine; provided that an appeal from all orders imposing such fines shall lie to the Zillah or City Judge, whose decision thereon shall be final.

XIII. And it is hereby enacted, that nothing in this Act contained shall apply to Vakeels who may be employed in the Courts of the Village Moonsiffs, or before the Village or District Punchayets, or before the Collectors of Zillahs, under the Provisions of Regulations IV., V., VII. and XII. 1816 of the Madras Code.

Calcutta, 1846:—Printed at the Bengal Military Orphan Press, by G. H. Huttmann.

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ACT No. II. OF 1846.

Passed by the Hon'ble the President of the Council of India in Council on the 7th January 1846, *with the assent of the Right Hon'ble the Governor General of India.*

An Act relating to unscrewed Cotton exported from the Continent of India and imported at the Bombay Presidency.

I. IT is hereby enacted, that unscrewed Cotton Wool shall be allowed to be exported from any Subordinate Port of the Bombay Presidency to the Port of Bombay, free of the Duty specified in Schedule B of Act No. I. of 1838, and to the Port of Bombay from any Port of the Madras Presidency, free of the Duty specified in Schedule B of Act No. VI. of 1814, to which Port of the Madras Presidency the Governor in Council thereof may from time to time be pleased by a Notification in the Official Gazette to grant such exemption of that Duty: Provided that the Cotton Wool so exported shall not be shipped on a Square-rigged Vessel.

II. And it is hereby enacted, that Cotton Wool shall be allowed to be imported into the Port of Bombay, from any part of the Continent of India, free of the Duty specified in Schedule A of the said Act No. I. of 1838.

Calcutta, 1846:—Printed at the Bengal Military Orphan Press, by G. H. Huttmann.

ACT No. III. OF 1846.

Passed by the Hon'ble the President of the Council of India in Council on the 7th January 1846, *with the assent of the Right Hon'ble the Governor General of India.*

An Act for the establishment and maintenance of field boundary marks in the Presidency of Bombay.

WHEREAS it is desirable, with a view to the better definition and security of landed property, the prevention of encroachments and disputes, and the identification of lands assessed to, or exempted from, the public revenue, that provision should be made for the establishment and maintenance of permanent marks to distinguish the boundaries of fields:

I. It is hereby enacted, that it shall be lawful, within the territories subject to the Presidency of Bombay, for such Revenue Officers as the Governor in Council may entrust with that authority to require that marks be erected and maintained by the Owners or Occupants on the boundaries of fields, of such materials, and in such number as may appear to such Officers sufficient for permanently distinguishing the limits of those fields.

II. And

II. And it is hereby enacted, that the requisition shall be served on the persons owning or occupying each field according to the Form A. annexed to this Act, and in the event of these persons not being found in the Village, that the said requisition shall be posted at the Village Chowree or other conspicuous place in the Village, which shall be held to be a sufficient service.

III. And it is hereby enacted, that in default of the Owners or Occupants of the fields complying with the requisition, the said Revenue Officers shall give directions for the erection and repair of such field boundary marks, the cost of which shall be equitably apportioned on the fields which they serve to distinguish, and shall be charged to the persons possessing a right of ownership or occupancy in such fields, or if there are no such persons forthcoming, to the revenues of the Village in which the fields are situated.

IV. And it is hereby enacted, that no person being out of possession and claiming a right of ownership or occupancy in fields, the cost of erecting or maintaining whose boundary marks has been charged to the revenues of the Village, in consequence of his neglecting to defray the same, shall have his claim allowed until he makes good all sums so charged.

V. And it is hereby enacted, that any person who may be convicted of wilfully erasing, removing, or injuring field boundary marks, shall be liable to a fine not exceeding Fifty Rupees for each mark so erased, removed, or injured, one half of which fine may be awarded on conviction to the informer, and the other half shall be chargeable with the cost of restoring the mark.

VI.

VI. And it is hereby enacted, that authority for the assessment and realization of all sums due under the provisions of this Act, whether as costs or penalties, shall be vested in the Revenue Officers authorized to provide for the erection and maintenance of field boundary marks, and shall be exercised by them in conformity with the rules prescribed for the assessment and realization of Revenue demands in general, and that the proceedings of those Officers in all such matters shall be recorded in writing, and shall be subject to appeal to the Revenue Authorities to whom they are subordinate.

FORM A.

Whereas you are the Owner (Occupant as the case may be) of the field in the Village of you are hereby required to fix boundary marks to the said field (by ridging or raising mounds of earth at the angles, or in such other mode as may be determined) or to repair its present boundary, within days from this date, in default of which the same will be done by the Government Officers, and the cost recovered from you under Act III. of 1846.

Calcutta, 1846:—Printed at the Bengal Military Orphan Press, by G. H. Huttmann

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ACT No. IV. OF 1846.

Passed by the Hon'ble the President of the Council of India in Council on the 7th January 1846, with the assent of the Right Hon'ble the Governor General of India.

An Act for amending the Law regarding the Sale of Land in Execution of Decrees in the Territories subject to the Presidency of Fort William in Bengal.

I. IT is hereby enacted, that so much of Sections 10 and 11, Regulation I. 1793, Section 7, Regulation XXVII. 1795, Sections 37 and 38, Regulation XXV. 1803, and Sections 27 and 28, Regulation IX. 1805, as relates to the Adjustment of the Government Jumma on lands exposed to public sale in satisfaction of the decrees of the Courts of Civil Judicature, Regulations XLV. 1793, XX. 1795, and XII. 1796, Sections 15 to 26, (both inclusive) Regulation XXVI. 1803, so much of Sections 27 and 28 of the same Regulation as relates to the satisfaction of decrees, and Clauses Second and Third, Section 4, Regulation VII. 1825, all of the Bengal Code, be repealed

II. And

II. And it is hereby enacted, that all Regulations or parts of Regulations which extend any of the Regulations or parts of Regulations herein before repealed, be also repealed.

III. And it is hereby enacted, that in the Territories subject to the Presidency of Fort William in Bengal, except the North West Provinces, attachments and sales of land, or of any interest in land in satisfaction of the decrees or other process of the Courts of Civil Judicature, shall be made by such Courts or under their directions, and that the Rules now in force for the attachment and sale of such real property as the Courts of Civil Judicature are now authorized to sell in satisfaction of decrees, without application to the Revenue Authorities, shall apply to attachments and sales made under the authority of this Act.

IV. And it is hereby enacted, in addition to the said Rules, that in the said Territories, except as aforesaid, whenever a holder of a decree of any Court of Civil Judicature shall apply to such Court for the sale in execution of any Estate paying Revenue to Government, or any portion of any such Estate, he shall, at the time of making such application, file an authenticated Extract from the Register of the Collector's Office, specifying the Jumma of such Estate, which shall be inserted in the Notification of Sale.

V. And it is hereby enacted, in addition to the said Rules, that in the said Territories, except as aforesaid, the purchaser at any such sale shall be required to deposit immediately either in Cash, Bank of Bengal Notes, or Post Bills, or Government Securities duly endorsed, fifteen per cent. on the amount of his bid, and in default of such deposit such land or interest therein shall forthwith be put up again and sold, and if the purchaser having

paid

paid the deposit required shall neglect or refuse to pay the purchase money, within the period which may be stipulated, the deposit shall be forfeited and shall be applied as if it were purchase money, and the land or interest therein, or such portion thereof as may be sufficient to satisfy what remains due, shall be again put up to sale, due notification having been first given.

VI. And it is hereby enacted, that in the North West Provinces of the Territories subject to the Presidency of Fort William in Bengal, attachments and sales of land or of any interest in land in satisfaction of the decrees or other process of the Courts of Civil Judicature, shall (except in the case of land which the Courts themselves are now by law authorized to attach and sell) be made by the Collector or any of his subordinate Officers under his directions, upon the requisition of such Courts.

VII. And it is hereby enacted, that in the last mentioned Provinces, every such requisition shall specify the number of the suit, the Court which made the decree, the amount to be realized, the names of the parties, distinguishing those whose land or interest it is intended to sell, and the amount for which each is liable, if they are severally liable, and the land or interest which each is alleged in the Schedule of the party applying for execution to be possessed of.

VIII. And it is hereby enacted, that in the last mentioned Provinces the Collector shall issue a Proclamation in the current language of the country of any intended sale of land or any interest therein, thirty days at least before the day appointed for the sale, exclusive of the day of sale, and of the day on which the Proclamation is issued, and the said Proclamation shall specify the name of the person whose land or whose rights and interests in certain land are to be sold, and the Jumma of the Estate

constituting

constituting the property, or in which the property is situate; also particulars of the property to be sold, of the time and place of sale, and of the amount due for the recovery of which the sale is ordered, and such Proclamation shall be fixed up in some conspicuous place within the village or town in which the said land is situate, or which is nearest to the said land, and in the Cutcheries of the Local Moonsiff, of the Collector, of the Zillah or City Judge, and of the Court from which the requisition issued.

IX. And it is hereby enacted, that in the last mentioned Provinces the provisions contained in Section V. of this Act shall be applicable to sales of land or any interest in land in execution of decrees of Court or other Judicial process.

X. And it is hereby enacted, that in the Territories subject to the Presidency of Fort William in Bengal, sales of land or of any interest in land in execution of decrees of Court or other Judicial process, shall be of the nature of private transfers.

XI. And it is hereby enacted, that in the Territories subject to the Presidency of Fort William in Bengal, the Courts of Sudder Dewanny Adawlut shall, from time to time, frame such Rules as to them shall seem meet, and as shall not be repugnant to any thing in this Act contained, for the attachment and sale of property in satisfaction of decrees or other process of the Courts of Civil Judicature, which Rules shall, after they have been approved by the Governor General of India in Council, have the same force as if they had been part of this Act, until revoked by the said Courts of Sudder Dewanny Adawlut with the approbation of the said Governor General of India in Council, or by the said Governor General of India in Council.

XII. And

XII. And it is hereby enacted, that in the Territories subject to the Presidency of Fort William in Bengal, all applications which may have been made by the Courts of Civil Judicature to the Revenue Authorities for the sale of land, or of any interest in land in satisfaction of decrees or other process of such Courts, previously to the passing of this Act, shall be proceeded upon as if this Act had not been passed.

XIII. And it is hereby enacted, that nothing contained in this Act shall affect the process of Her Majesty's Supreme Court of Judicature, or of the Court of Requests at Calcutta, or of any Court in the Settlements in the Straits of Malacca.

Calcutta, 1846.—Printed at the Bengal Military Orphan Press, by G. H. Huttmann.

ACT No. V. OF 1846.

Passed by the Hon'ble the President of the Council of India in Council on the 5th of December 1846, *with the assent of the Right Hon'ble the Governor General of India.*

An Act for placing the Police of Surat under the Magistrate.

WHEREAS it has been judged expedient that the Police jurisdiction of the City and Sudder Station of Surat should be vested in the Magistrate of the said Zillah:

It is hereby enacted, that so much of Clause 1st, Section 1, Regulation IV. of 1830 of the Bombay Code as reserves to the control of the Judge and his Assistants the Police jurisdiction of the City and Sudder Station of Surat, be repealed.

Calcutta, 1846:—Printed at the Bengal Military Orphan Press, by W. Ridsdale.

ACT No. VI. OF 1846.

Passed by the Hon'ble the President of the Council of India in Council on the 5th of December 1846, *with the assent of the Right Hon'ble the Governor General of India.*

An Act for the more convenient administration of the Government of the Country called the Bhuttee Territory.

WHEREAS much inconvenience has resulted from maintaining as a part of the Delhi Division, the large and thinly peopled tract of Country called the Bhuttee Territory, extending from the borders of the Hissar District to the Ghana or Sutlege:

I. It is hereby enacted, that from and after the 1st day of January 1847, the provisions of Regulation V. of 1832 of the Bengal Code, shall cease to have effect in the said Bhuttee Territory, consisting of the following Pergunnahs:

Durbah.	Sirsa.	Raneeah.
Goodah.	Mullout.	Wuttoo.

II. And it is hereby enacted, that from and after the said day the administration of Civil and Criminal Justice, the Superintendence of the Police, and the Collection and Superintendence of the Revenues of every description within the said Territory, shall vest in such Agent as the Governor General of India in Council shall appoint, and shall be exercised by the

said Agent with the aid of such Assistants as shall be appointed by the said Governor General of India in Council.

III. And it is hereby enacted, that it shall be competent to the said Governor General of India in Council to prescribe such Rules as he may deem proper for the guidance of the Agent aforesaid, and of all the Officers subordinate to his controul and authority, in all Judicial and Revenue proceedings, and to determine to what extent the decision of the Agent in Civil suits shall be final, and in what suits an appeal shall lie to the Sudder Dewanny Adawlut, and to define the authority to be exercised by the Agent in Criminal trials, and what cases he shall submit to the decision of the Nizamut Adawlut.

IV. And it is hereby enacted, that upon the receipt of any Criminal trials referred by the Agent under the Rules which may be hereafter prescribed by the said Governor General of India in Council, the Nizamut Adawlut shall proceed to pass a final judgment, or such other order as may after mature consideration, seem to the Court requisite and proper and in conformity with the prescribed rules.

V. And it is hereby enacted, that upon the receipt of any appeal from a decree of the Agent duly preferred under the Rules to be prescribed as aforesaid, the Court of Sudder Dewanny Adawlut shall proceed to try and determine it as to them may seem right and proper and in conformity with the prescribed rules.

Calcutta, 1846:—Printed at the Bengal Military Orphan Press, by W. Ridsdale.

ACT No. VII. OF 1846.

Passed by the Hon'ble the President of the Council of India in Council on the 5th of December 1846, with the assent of the Right Hon'ble the Governor General of India.

An Act regarding the Deposit of Diet Money for Witnesses in petty cases.

IT is hereby enacted, in modification of Clause 1, Section 2, Regulation III. 1812, of the Bengal Code, that in the Territories subject to the Presidency of Fort William in Bengal, it shall be lawful for the Magistrates to regulate the amount of Diet Money required for Witnesses in petty cases, with reference to the probable period such Witnesses may have to be in attendance, and in the event of the prolonged detention of Witnesses to direct the deposit of any further sum which to the said Magistrates may seem requisite.

Calcutta, 1846.—Printed at the Bengal Military Orphan Press, by W Ridsdale.

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ACT No. VIII. OF 1846.

Passed by the Hon'ble the President of the Council of India in Council on the 5th of December 1846, *with the assent of the Right Hon'ble the Governor General of India.*

An Act for determining the duration of the existing Settlement of the North Western Provinces.

WHEREAS the settlement of the several Districts of the North Western Provinces has been made for different periods, and whereas from several causes the duration of the settlement as stated in the engagements of the Malgoozars does not always agree with that sanctioned by the Government, and whereas it is necessary to avoid the confusion and litigation which may hence arise, and also to provide for the continuance of the existing settlements till a fresh revision shall take place :

I. It is therefore hereby enacted, that the Jummah of all villages included on 1st May 1846, within the limits of the Districts in the said Provinces noted below, shall be considered fixed till the date inserted opposite

site to each District, so far as regards the claim of the Government to any increase upon the Jummah determined at the time of settlement, or as it stands subsequently altered by Government prior to 1st May 1846.

Paneeput, July 1st 1872, one thousand eight hundred and seventy-two.

Hissar, July 1st 1860, one thousand eight hundred and sixty.

Delhi, July 1st 1870, one thousand eight hundred and seventy.

Rohtuck, July 1st 1870, one thousand eight hundred and seventy.

Goorgaon, July 1st 1872, one thousand eight hundred and seventy-two.

Sheharunpore, July 1st 1857, one thousand eight hundred and fifty-seven.

Mozuffernugger, July 1st 1861, one thousand eight hundred and sixty-one.

Meerut, July 1st 1865, one thousand eight hundred and sixty-five.

Boolundshehur, July 1st 1859, one thousand eight hundred and fifty-nine.

Allyghur, July 1st 1868, one thousand eight hundred and sixty-eight.

Bijnour, July 1st 1866, one thousand eight hundred and sixty-six.

Moradabad, July 1st 1872, one thousand eight hundred and seventy-two.

Budaon, July 1st 1866, one thousand eight hundred and sixty-six.

Bareilly,

Bareilly, July 1st 1867, one thousand eight hundred and sixty-seven.

Shajehanpore, July 1st 1868, one thousand eight hundred and sixty-eight.

Muttra, July 1st 1871, one thousand eight hundred and seventy-one.

Agra, July 1st 1872, one thousand eight hundred and seventy-two.

Furruckabad, July 1st 1865, one thousand eight hundred and sixty-five.

Mynpoory, July 1st 1870, one thousand eight hundred and seventy.

Etawah, July 1st 1871, one thousand eight hundred and seventy-one.

Cawnpore, July 1st 1870, one thousand eight hundred and seventy.

Futtehpore, July 1st 1870, one thousand eight hundred and seventy.

Humeerpore, July 1st 1872, one thousand eight hundred and seventy-two.

Banda, July 1st 1874, one thousand eight hundred and seventy-four.

Allahabad, July 1st 1869, one thousand eight hundred and sixty-nine.

Goruckpore, July 1st 1859, one thousand eight hundred and fifty-nine.

Azimgurh, July 1st 1867, one thousand eight hundred and sixty-seven.

II. And it is hereby enacted, that in the said Provinces, Mouzahs, standing transferred on the above date of May 1st 1846, from Districts or Pergunnahs not permanently settled, to Districts or Pergunnahs permanently settled, shall not be held liable to any increased demand on the part of the Government, but shall be held for ever on the highest Jummah determined at the time of settlement, or as it stands subsequently altered by Government prior to 1st May 1846.

III. Provided

III. Provided always and it is hereby declared, that persons holding land on special grants or on leases for longer periods than those specified in Section I. shall continue to hold them according to the terms of their several grants or leases.

IV. And it is hereby enacted, that whenever a Malgoozar may be desirous to relinquish his lease on the expiration of the term of his engagement he shall be at liberty to do so, provided that he give notice thereof in open Court and in writing to the Collector and to the Commissioner of the Division within one year before the 1st of July immediately preceding the expiration of the engagement

V. And it is hereby enacted, that when such notice shall not have been given as aforesaid, the Malgoozar shall be held bound to pay the Jummah determined at the time of settlement, or as it stands subsequently altered by Government prior to the 1st of May 1846, for the period which may be applicable to his case according to Section I., and subsequently from year to year till the settlement be revised, or in perpetuity according to Section II.

VI. Provided however, and it is hereby declared, that nothing in this Act shall bar the right of the Government to demand revenue from any resumed rent-free land, alluvial Towfeer, or other land which was not assessed at the time of settlement.

Calcutta, 1846 —Printed at the Bengal Military Orphan Press, by W Ridsdale

ACT No. IX. OF 1846.

Passed by the Hon'ble the President of the Council of India in Council on the 5th December 1846, *with the assent of the Right Hon'ble the Governor General of India.*

An Act for authorizing the Government of Fort St. George to provide Regulations for the several Ports and Places of anchorage within the Territories subject thereto.

WHEREAS Act IV. of 1842, entitled an Act for the better management of Boats and Catamarans, in the Madras Roads, and for the amendment of certain Harbour Regulations, has been found by experience to operate beneficially; and whereas it is expedient that Regulations similar in principle to the provisions contained in the said Act, but varying in detail if local circumstances require such variation, should be provided for all Ports and other places of anchorage within the Territories subject to the Government of the Presidency of Fort St. George

I. It is therefore hereby enacted, that the Governor in Council of Fort St. George may from time to time make, in respect of each Port or other Place of anchorage within the Territories subject to the Government of the said Presidency, such Regulations for the management of Boats and Catamarans and such other matters as are provided for by the said Act IV.

of

of 1842 in respect of the Madras Roads, as to them shall seem expedient, being similar in principle to the provisions contained in the said Act, but varying in detail, if local circumstances require such variation. And all such Regulations shall be submitted for confirmation or disallowance to the Governor General of India in Council, and every such Regulation shall have the force of Law after it shall have been confirmed by the Governor General of India in Council.

Calcutta, 1846.—Printed at the Bengal Military Orphan Press, by W. Ridsdale.

ACT No. X. OF 1846.

Passed by the Hon'ble the President of the Council of India in Council on the 5th December 1846, with the assent of the Right Hon'ble the Governor General of India.

An Act for regulating the proceedings in certain cases of distraint for Arrears of Rent.

I. It is hereby enacted, in modification of Section 9, Regulation VII. of 1799, Section 9, Regulation V. of 1800, and Clause 2, Section 17, Regulation XXVIII. of 1803, all of the Bengal Code, that if any person not being such a defaulter as is therein mentioned or responsible for him, shall claim as his right property which has been distrained for arrears of rent due from the said defaulter, and shall within five days, reckoning from the day after attachment, enter into a bond before the Collector of the Zillah or the Commissioner appointed under Act I. of 1839, with good security binding himself to institute before the Collector within fifteen days from the date of such bond, a summary suit against the distrainer and defaulter for the trial of the right, and to restore the property or make good its value in case the claim be disallowed with all costs of suit and damages, the distrainer shall immediately withdraw the attachment.

II. Provided always and it is hereby enacted, that if the claimant shall not within the said fifteen days institute such summary suit, it shall be lawful

lawful for the distrainer to recover the value of the property distrained, together with the expences of the attachment, by attachment and sale of the personal property of the claimant, or his surety, or both, unless the claimant shall restore the property, or, if the distrainer prefer it, make good its value.

III. And it is hereby enacted, that no suit to set aside the summary award of the Collector under this Act, shall be brought after the expiration of one year from the date of such award.

Calcutta, 1846 :—Printed at the Bengal Military Orphan Press, by W. Ridsdale.

ACT No. XI. OF 1846.

Passed by the Hon'ble the President of the Council of India in Council on the 12th of December 1846, with the assent of the Right Hon'ble the Governor General of India.

An Act for the exemption of certain Territory in the Province of Candeish and the Zillah Ahmednuggur from the operation of the General Regulations.

WHEREAS it has been deemed expedient to exempt from the jurisdiction of the Civil and Criminal Courts of the Bombay Presidency certain portions of the Purgunnahs of Nundoorbar, Sooltanpoor and Kookurmoondah in the Province of Candeish and the Zillah Ahmednuggur:

I. It is hereby enacted, that from and after the First day of February 1847, so much of Appendix A. of Regulation XXIX. of 1827 of the Bombay Code as declares the Villages contained in the Schedule annexed to this Act, and the lands attached thereto (being parts of the Purgunnahs of Nundoorbar, Sooltanpoor and Kookurmoondah, in the Province of Candeish and the Zillah Ahmednuggur) subject to the Regulations established for the administration of Civil and Criminal Justice in the Bombay Presidency, be repealed.

II. And

II. And it is heredy enacted, that from and after the said day the administration of Civil and Criminal Justice, the Superintendence of the Police and the Collection and Superintendence of the Revenues of every description within the said portions of Territory shall vest in such Agent to the Governor of Bombay as shall be appointed by the Governor of Bombay in Council, and shall be exercised by the said Agent with the aid of such Assistants as may be appointed by the said Governor in Council.

III. And it is hereby enacted, that it shall be competent to the said Governor in Council, by an Order in Council, to prescribe such rules as he may deem proper for the guidance of the Agent aforesaid and of all the Officers subordinate to his controul and authority, and to determine to what extent the decision of the Agent in Civil suits, shall be final and in what suits an appeal shall lie to the Sudder Dewanny Adawlut, and to define the authority to be exercised by the Agent in Criminal trials and what cases he shall submit to the decision of the Sudder Foujdarec Adawlut.

IV. And it is hereby enacted, that upon the receipt of any Criminal trials referred by the Agent under the Rules which may be hereafter prescribed by the Governor in Council, the Sudder Foujdarec Adawlut shall proceed to pass a final judgment, or such other order as may after mature consideration, seem to the Court requisite and proper in the same manner as if the trial had been sent up in ordinary course from a Session Judge.

V. And it is hereby enacted, that upon the receipt of any appeal from a decree of the Agent duly prepared under the Rules to be prescribed as aforesaid, the Court of Sudder Dewanny Adawlut shall proceed to try and determine it in the same manner as appeals from the Zillah Courts.

SCHEDULE.

ACT No. XI. OF 1846.

SCHEDULE.

List of Villages belonging to the Seven Mowass Chieftains in the Province of Candeish comprehended in the Purgunnahs of Nundoorbur, Sooltanpoor and Kookurmoondah.

Names of Chiefs.	Inhabited.	Uninhabited.
1. Ganpat Sing Wulud Chundrsing Rana of Boodhawul.	Dekatee. Itulpoor. Boodhawulee. Khooshguvhan. Ashtó. Khar. Meandwur. Jamleegoora. Walheree. Boodhawul. Lobalbhanee. Somawul Boojrook. Muthawul. Sherveé. Ekdhur. Relapara.	Nuwagaom. Somawul Khoord. Bho Bhat. Prutappoor. Nuwulpoor. Rajveera. Kullumbee Vecheer. Ghoghat. Rangur Pethapoor.
2. Oomed Wulud Laxoomun Parvee of Kalee.	Katee. Bhugduree. Wunwa. Jamna. Beer. Samur. Kujal. Velkhooree. Mogreebar. Gurupeebar. Nulwunbara. Jagtee. Arootee, Kewuree. Chapree. Pandhreematee. Pimpurkhoota. Soorgus Beejulguvhan Baleghat. Velugee. Chunwasee Balkra. Gujeebara. Ogbanee. Dunsee. Soorpanvavee Suree. Kunkal. Kooelee veeheer. Sonachee pardee. Kakurpara. Ghutwanee. Rajmohee. Khutas Kharee Khaee. Heeranee. Dab. Dubel. Mooreera. Waree. Kudwalee. Gudwanee. Rokharee. Polguvhan. Oomtee. Veree. Pimpurpan. Maeechamal. Mogree. Bumhunee. Soukharee. Ras. Ghuttula. Mogra. Moolgee. Bhutkoond. Velee. Oomreeguvhan. Jamlee.	Khutkoowa. Rambungaon. Gullottè Khoord. Akul Koowa. Horapara. Ankooshee Vecheer. Guvhaneé. Peetee. Mojra. Dhankharee. Kotlee. Mnhan. Dhobreepeeta. Tullow. Cheekhlee. Ghora Devee. Koowa. Kolwee. Kolweechmal. Nendwun. Parpara. Kulmunda. Wurphullee. Bhataree. Poke Khara.

Names.	Inhabited.	Uninhabited.
2. Oomed Wulud Laxoomun Parvee of Kalee (Continued.)	Oomla. Raool K Sendree. Kookreepadur. Kujanee. Hosakhamb. Gulloté Boojrook. Nuwagaon. Gungapoor Kewara Molee.	
3. Oomed Wulud Pacha Parvee of Nal.	Goolyamba.	Nal. Veerpoor. Nuwagaon. Sane Vecheer. Jeeree Sawur. Tunuk Molee.
4. Bakra Wulud Raila Parvee of Singpoor.	Singpoor Boojrook. Singpoor Khoord.	Babhulpoor.
5. Khatia Wulud Nana Wulvee Bheel of Gavhallee.	Guvhalee. Bar. Pechreedo. Kakriamba. Hatwaryawur Morkee. Nagur Motee. Rajkoora. Raisingpoora. Oodun. Bheereeva.	Pandhreepara. Doduv. Lalpoor. Korkher. Khurkoond. Bukhtar. Pala. Bhoeyuvao. Kakurkhoro. Rajnee. Khoord Mukookharee. Knowurvao. Talamba. Wurkoond. Koomree. Khurgia Moramba. Boreeguvhan. Blomotee. Kulamba. Phoolwaree. Kelwun. Bhoee Kuruj Dorkee. Jauwa. Gotpara. Joojuv Ookhulaar. Rajneebara. Ambabar. Borkee Dokhee. Matha Koond. Gugriamba. Lalbhurdee. Joonatana. Morambe. Kadlee. Gondwun. Ghora. Mandara Khoord. Mandara Boojrook. Bhogwur. Goojee. Mukookharee Boojrook. Walpoor.

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Names	Inhabited	Uninhabited
5 Khatia Wulud Nana Wulwee Bheel of Guzhallee — (Continued)	Shunkur Khan Kaniamla Mograj ana Kullwurkhoorl Rampoora Khoonla Toonwun Hoogunmla Shungwun Kunnamba Kunlwapara. Kanapara Kotara Lurlee Koorcebar Bhoocra Gurhan Kurlevee Jankhoot Amlyeguvhan Matlamla Matha Mogur Mata Tana Oodapoor	
6 Koowur Wussawa Wulud Jeewa Wussawa Bheel of Cheekhlee	Cheekhlee Theerolera Kataopara Chatoopara Raneejoora Khapur Gungthú Lugree Jaolee Kolee warra Pulas warra Oomun	Tilapa Amlee Kalanora Kokteepara Kuly rpara Chanpoor Oomranee Wurgaon Chotee Rurulee Bramhunga m Kuvleeguvhan Bhkhur Dhabra Mun lee Kenwurn Khokwar Dabreeamba Augut Rathee Chaptespara Rajnoewar Oomanee Nawagaon Nucen Seyree Neyree Oomy a

Names	Inhabited	Uninhabited
7 Raja Wulud Vesha Parvee	Soytan Nuwulpoora	

ABSTRACT.

	Names of Chieftains	Inhabited.	Uninhabited.	Total Villages.
1	Gunput Sing Wulud Chan ru Sing Rana, of Bhoodawul	16	10	26
2	Oomed Wulud Luxoomun Parvee of Katee,	71	25	96
3	Omed Wulud Lacha Parvee of Nal	1	6	7
4	Bhokna Wulud Rala Parvee of Sungpoor	2	1	3
5	Khatia Wulud Nana Wulwee Bheel of Guzhallee,	11	70	81
6	Koowar Wussawa Wulud Jeewa Wussawa Bheel of Cheekhlee	12	25	37
7	Raja Wulud Vesha Parvee	0	2	2
	Total	113	139	252

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